

FIRST REGULAR SESSION

[REVISION]

HOUSE BILL NO. 902

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CLAYTON AND CROWELL (Co-sponsors).

Read 1st time March 1, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2152L.011

AN ACT

To repeal sections 72.424, 141.265, 142.027, 208.453, 208.455, 208.457, 208.459, 208.461, 208.463, 208.465, 208.467, 208.469, 208.471, 208.473, 208.475, 208.479, 208.480, 313.353, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 620.1310, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215 and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law, with an effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 72.424, 141.265, 142.027, 208.453, 208.455, 208.457, 208.459,
2 208.461, 208.463, 208.465, 208.467, 208.469, 208.471, 208.473, 208.475, 208.479, 208.480,
3 313.353, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 620.1310, 640.169,
4 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200,
5 640.203, 640.205, 640.207, 640.210, 640.212, 640.215 and 640.218, RSMo 2000, and section
6 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth
7 general assembly, first regular session, are repealed as follows:

2 [72.424. Notwithstanding any other provisions of sections 72.400 to 72.423,
3 any owner of a tract of land of thirty acres or less owned by a single owner and that
4 is located within two or more municipalities, one municipality being a city of the
fourth classification with a population between four thousand six hundred and five

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 thousand, and the other municipality being a constitutional charter city with a
 6 population between sixteen thousand three hundred and seventeen thousand, and both
 7 municipalities located within a county of the first classification having a charter form
 8 of government and having a minimum population of nine hundred thousand, may
 9 elect which municipality to belong to by agreement of that municipality. Such
 10 owner's election shall occur within ninety days of August 28, 2000. Such agreement
 11 shall consist of the enactment by the governing body of the receiving municipality
 12 of an ordinance describing by metes and bounds the property, declaring the property
 13 so described to be detached and annexed, and stating the reasons for and the purposes
 14 to be accomplished by the detachment and annexation. A copy of said ordinance
 15 shall be mailed to the county clerk and to the city clerk and assessor of the
 16 contributing municipality before December fifteenth, with such transfer becoming
 17 effective the next January first. Such choice of municipalities shall be permanent.
 18 Thereafter, all courts of this state shall take notice of the limits of both municipalities
 19 as changed by the ordinances. This section shall only apply to boundary changes
 20 effected after January 1, 1990, and occurring by the incorporation of a municipality.
 21 This section shall expire and be of no force and effect on March 1, 2001.]

22
 23 EXPLANATION: This section expires March 1, 2001.

2 [141.265. 1. In order to provide for the orderly implementation of, and
 3 notwithstanding other provisions of sections 141.210 to 141.810, the periods of
 4 delinquency upon which proceedings to foreclose the tax lien as otherwise authorized
 5 by sections 141.210 to 141.810 shall be as follows:

6 (1) Proceedings commenced in 1983 shall be for enforcement of the tax lien
 7 on tax bills billed 1978 and 1979 and falling delinquent in the calendar years 1979
 8 and 1980;

9 (2) Proceedings commenced in 1984 shall be for enforcement of the tax lien
 10 of tax bills billed 1980 and 1981 and falling delinquent in the calendar years 1981
 11 and 1982;

12 (3) Proceedings commenced after December 31, 1984, on bills billed in 1982
 13 and thereafter shall be for the enforcement of the tax lien on tax bills as otherwise
 14 provided by sections 141.210 to 141.810.

15 2. Subsection 1 of this section shall terminate on December 31, 1984, but the
 16 termination shall not impair or invalidate any proceeding brought pursuant to sections
 17 141.210 to 141.810, pending on that date.]

18 EXPLANATION: Subsection 1 of this section expired December 31, 1984. The remainder of
 19 the section is made obsolete.

2 [142.027. 1. As used in this section, the following terms mean:

3 (1) "Fuel ethanol", one hundred ninety-eight proof ethanol denatured in
 conformity with United States Bureau of Alcohol, Tobacco and Firearms' regulations

4 and fermented and distilled in a facility whose principal (over fifty percent) feed
5 stock is cereal grain or cereal grain by-products;

6 (2) "Fuel ethanol blends", a mixture of ninety percent gasoline and ten
7 percent fuel ethanol in which the gasoline portion of the blend or the finished blend
8 meets the American Society for Testing and Materials - specification number D-439.

9 2. Notwithstanding any other law to the contrary, the rate of the license tax
10 imposed by section 142.020 on qualified fuel ethanol blends used in propelling motor
11 vehicles upon the public highways of Missouri is two cents per gallon less than the
12 rate of tax stated in section 142.025, until July 1, 1996.

13 3. The state highways and transportation department fund shall be
14 reimbursed from the state general revenue fund in the amount not to exceed two cents
15 per gallon for each gallon of ethanol blend motor fuel taxed at a rate of taxation
16 which is a maximum of two cents below the tax imposed on all other motor fuel sold
17 in this state for propelling motor vehicles on the public highways of this state. The
18 department of transportation, by December first of each year, shall determine from
19 the reports filed by distributors with the department of revenue the number of gallons
20 of ethanol blended motor fuel sold in this state for propelling motor vehicles upon
21 the highways of this state during the preceding fiscal year ending on June thirtieth of
22 that year. The department of transportation shall certify the number of gallons so
23 derived to the respective chairpersons of the senate appropriations committee and the
24 house budget committee by the last day of December. The figures and exemption
25 credits so certified shall be the amount of reimbursement to be appropriated annually
26 to the state highways and transportation department fund from the state general
27 revenue fund.]

28
29 EXPLANATION: This section expired June 30, 1996.

2 [208.453. Every hospital as defined by section 197.020, RSMo, except public
3 hospitals which are operated primarily for the care and treatment of mental disorders
4 and any hospital operated by the department of health, shall, in addition to all other
5 fees and taxes now required or paid, pay a federal reimbursement allowance for the
6 privilege of engaging in the business of providing inpatient health care in this state.
7 For the purpose of this section, the phrase "engaging in the business of providing
8 inpatient health care in this state" shall mean accepting payment for inpatient services
9 rendered. The federal reimbursement allowance to be paid by a hospital which has
10 an unsponsored care ratio that exceeds sixty-five percent or hospitals owned or
11 operated by the board of curators, as defined in chapter 172, RSMo, may be
12 eliminated by the director of the department of social services. The unsponsored care
13 ratio shall be calculated by the department of social services.]

14 EXPLANATION: This section expires September 30, 2001.

[208.455. 1. Each hospital's federal reimbursement allowance shall be based

2 on a formula set forth in rules and regulations promulgated by the department of
3 social services. No rule or portion of a rule promulgated under the authority of this
4 chapter shall become effective unless it has been promulgated pursuant to the
5 provisions of section 536.024, RSMo.

6 2. Notwithstanding any other provision of law to the contrary, appeals
7 regarding this section shall be to the circuit court of Cole County or the circuit court
8 in the county in which the hospital is located. The circuit court shall hear the matter
9 as the court of original jurisdiction.]

10

11 EXPLANATION: This section expires September 30, 2001.

[208.457. Each hospital shall keep such records as may be necessary to
2 determine the amount of its federal reimbursement allowance. On or before
3 September 1, 1992 and the first day of January of each year thereafter every hospital
4 as defined by section 197.020, RSMo, shall submit to the department of social
5 services a statement that accurately reflects if the hospital is publicly or privately
6 owned, if the hospital is operated primarily for the care and treatment of mental
7 disorders, if the hospital is operated by the department of health, or if the hospital
8 accepts payment for services rendered. Every hospital required to pay the federal
9 reimbursement allowance shall also submit a statement that accurately reflects total
10 Missouri Medicaid hospital days, total unreimbursed care as determined from the
11 hospital's third prior year desk-reviewed cost report and all other information as may
12 be necessary to implement sections 208.450 to 208.480. If the hospital does not have
13 a third prior year desk-reviewed cost report, unreimbursed care shall be based on
14 estimates determined by the department of social services as established by rule and
15 regulation.]

16

17 EXPLANATION: This section expires September 30, 2001.

[208.459. 1. The director of the department of social services shall make a
2 determination as to the amount of federal reimbursement allowance due from the
3 various hospitals.

4 2. The director of the department of social services shall notify each hospital
5 of the annual amount of its federal reimbursement allowance. Such amount may be
6 paid in increments over the balance of the assessment period.

7 3. The department of social services is authorized to offset the federal
8 reimbursement allowance owed by a hospital against any Missouri Medicaid payment
9 due that hospital, if the hospital requests such an offset. The amounts to be offset
10 shall result, so far as practicable, in withholding from the hospital an amount
11 substantially equivalent to the assessment to be due from the hospital. The office of
12 administration and state treasurer are authorized to make any fund transfers necessary
13 to execute the offset.]

14

15 EXPLANATION: This section expires September 30, 2001.

2 [208.461. 1. Each federal reimbursement allowance assessment shall be
3 final, unless the hospital files a protest with the director of the department of social
4 services setting forth the grounds on which the protest is based, within thirty days
5 from the date of notice by the department of social services to the hospital.

6 2. If a timely protest is filed, the director of the department of social services
7 shall reconsider the assessment and, if the hospital has so requested, the director shall
8 grant the hospital a hearing within ninety days after the protest is filed, unless
9 extended by agreement between the hospital and the director. The director shall issue
10 a final decision within sixty days of completion of the hearing. After reconsideration
11 of the assessment and a final decision by the director of the department of social
12 services, a hospital's appeal of the director's final decision shall be to the
13 administrative hearing commission in accordance with sections 208.156 and 621.055,
14 RSMo.]

15 EXPLANATION: This section expires September 30, 2001.

2 [208.463. The director of the department of social services shall prescribe by
3 rule the form and content of any document required to be filed pursuant to the
4 provisions of sections 208.450 to 208.480.]

5 EXPLANATION: This section expires September 30, 2001.

2 [208.465. 1. The federal reimbursement allowance owed or, if an offset has
3 been requested, the balance, if any, after such offset, shall be remitted by the hospital
4 to the department of social services. The remittance shall be made payable to the
5 director of the department of revenue. The amount remitted shall be deposited in the
6 state treasury to the credit of the "Federal Reimbursement Allowance Fund", which
7 is hereby created for the purpose of providing payments to hospitals. All investment
8 earnings of the fund shall be credited to the fund.

9 2. An offset as authorized by section 208.459 or a payment to the federal
10 reimbursement allowance fund shall be accepted as payment of the obligation of
11 section 208.453.

12 3. The state treasurer shall maintain records that show the amount of money
13 in the fund at any time and the amount of any investment earnings on that amount.

14 4. The unexpended balance in the federal reimbursement allowance fund at
15 the end of the biennium is exempt from the provisions of section 33.080, RSMo. The
16 unexpended balance shall not revert to the general revenue fund, but shall accumulate
17 from year to year.]

18 EXPLANATION: This section expires September 30, 2001.

2 [208.467. 1. A federal reimbursement allowance period shall be from the
 3 first day of October until the thirtieth day of September of the following year. The
 4 department shall notify each hospital with a balance due on September thirtieth of
 5 each year the amount of such balance due. If any hospital fails to pay its federal
 6 reimbursement allowance within thirty days of such notice, the assessment shall be
 7 delinquent.

8 2. If any assessment imposed under the provisions of sections 208.453 to
 9 208.480 for a previous assessment period is unpaid and delinquent, the department
 10 of social services may proceed to enforce the state's lien against the property of the
 11 hospital and to compel the payment of such assessment in the circuit court having
 12 jurisdiction in the county where the hospital is located. In addition, the director of
 13 the department of social services or the director's designee may cancel or refuse to
 14 issue, extend or reinstate a Medicaid provider agreement to any hospital which fails
 15 to pay the allowance required by section 208.453.

16 3. Failure to pay an assessment imposed under sections 208.450 to 208.480
 17 shall be grounds for denial, suspension or revocation of a license granted under
 18 chapter 197, RSMo. The director of the department of social services may request
 19 that the director of the department of health deny, suspend or revoke the license of
 20 any hospital which fails to pay its assessment.]

21 EXPLANATION: This section expires September 30, 2001.

2 [208.469. Nothing in sections 208.450 to 208.480 shall be deemed to affect
 3 or in any way limit the tax exempt or nonprofit status of any hospital granted by state
 4 law.]

5 EXPLANATION: This section expires September 30, 2001.

2 [208.471. 1. The department of social services shall make payments to those
 3 hospitals which have a Medicaid provider agreement with the department. The
 4 payment shall be in an annual, aggregate statewide amount which is at least the same
 5 as that paid in fiscal year 1991-1992 pursuant to rules in effect on August 30, 1991,
 6 under the federally approved state plan amendments.

7 2. The division of medical services may provide an alternative
 8 reimbursement for outpatient services. Other provisions of law to the contrary
 9 notwithstanding, the payment limits imposed by subdivision (2) of subsection 1 of
 10 section 208.152 shall not apply to such alternative reimbursement for outpatient
 11 services.]

12 EXPLANATION: This section expires September 30, 2001.

2 [208.473. The requirements of sections 208.450 to 208.480 shall apply only
 as long as the revenues generated under section 208.453 are eligible for federal

3 financial participation and payments are made pursuant to the provisions of section
 4 208.471. For the purposes of this section, "federal financial participation" is the
 5 federal government's share of Missouri's expenditures under the Medicaid program.]
 6

7 EXPLANATION: This section expires September 30, 2001.

2 [208.475. The allowance imposed by sections 208.453 to 208.480 shall be
 3 effective upon promulgation of rules and regulations issued by the department of
 4 social services, but not later than October 1, 1992.]

5 EXPLANATION: This section expires September 30, 2001.

2 [208.479. No regulations implementing sections 208.450 to 208.475 may be
 3 filed with the secretary of state without first being provided to interested parties
 4 registered on a list of such parties to be maintained by the director of social services.
 5 Regulations must be provided to interested parties seventy-two hours prior to being
 6 filed with the secretary of state.]

7 EXPLANATION: This section expires September 30, 2001.

2 [208.480. Sections 208.453 to 208.480 shall expire on September 30, 2001.]

3 EXPLANATION: This section expires September 30, 2001.

2 [217.440. The director may establish a program of restorative justice within
 3 the department's correctional centers and require that offenders offer acts and
 4 expressions of sincere remorse for the offense committed and its impact on the
 5 victim(s) and the community. Such program requirements may include, but are not
 6 limited to, community service work while incarcerated and participation in
 7 victim-oriented programs, as well as other restorative activities to be determined by
 8 the department. The provisions of this section shall terminate December 31, 2000.]

9 EXPLANATION: Two versions of this section were enacted in 1997. This section expired
 10 December 31, 2000. The second version did not contain an expiration date and still exists.

2 [313.353. Notwithstanding section 313.35 to the contrary, the commission
 3 as defined in section 313.205 may allow any state lottery prize winner who won the
 4 lottery, as defined in this chapter, before October 22, 1998, and who is currently
 5 receiving annual payments from annuities or securities, to elect to receive a single
 6 cash payment in lieu of the remaining annual payments. This section shall expire on
 7 December 31, 2000.]

8 EXPLANATION: This section expired December 31, 2000.

9 [347.740. The secretary of state may collect an additional fee of five dollars
10 on each and every fee required in this chapter. All fees collected as provided in this
11 section shall be deposited in the state treasury and credited to the secretary of state's
12 technology trust fund account.]
13

14 EXPLANATION: This section expires December 31, 2001.

2 [351.127. The secretary of state may collect an additional fee of five dollars
3 on each and every fee required in this chapter. All fees collected as provided in this
4 section shall be deposited in the state treasury and credited to the secretary of state's
5 technology trust fund account.]

6 EXPLANATION: This section expires December 31, 2001.

2 [355.023. The secretary of state may collect an additional fee of five dollars
3 on each and every fee required in this chapter. All fees collected as provided in this
4 section shall be deposited in the state treasury and credited to the secretary of state's
5 technology trust fund account.]

6 EXPLANATION: This section expires December 31, 2001.

2 [356.233. The secretary of state may collect an additional fee of five dollars
3 on each and every fee required in this chapter. All fees collected as provided in this
4 section shall be deposited in the state treasury and credited to the secretary of state's
5 technology trust fund account.]

6 EXPLANATION: This section expires December 31, 2001.

2 [359.653. The secretary of state may collect an additional fee of five dollars
3 on each and every fee required in this chapter. All fees collected as provided in this
4 section shall be deposited in the state treasury and credited to the secretary of state's
5 technology trust fund account.]

6 EXPLANATION: This section expires December 31, 2001.

2 [400.9-508. The secretary of state may collect an additional fee of five dollars
3 on each and every fee paid to the secretary of state as required in chapter 400.9. All
4 fees collected as provided in this section shall be deposited in the state treasury and
5 credited to the secretary of state's technology trust fund account.]

6 EXPLANATION: This section expires December 31, 2001.

[417.018. The secretary of state may collect an additional fee of five dollars

2 on each and every fee required in this chapter. All fees collected as provided in this
3 section shall be deposited in the state treasury and credited to the secretary of state's
4 technology trust fund account.]

5
6 EXPLANATION: This section expires December 31, 2001.

[620.1310. 1. There is hereby created within the department of economic
2 development the "Task Force on Trade and Investment". The primary duty of the
3 task force is to establish international trade and investment opportunities for Missouri
4 businesses, with a special emphasis on establishing trade and investment
5 opportunities with African countries having a democratic form of government. As
6 part of its duties, the task force shall develop a comprehensive plan of action with
7 strategies for increasing the availability of import and export opportunities for
8 Missouri businesses.

9 2. The task force created in this section shall be comprised of fifteen
10 members, appointed in the following manner:

11 (1) Four members of the Missouri house of representatives, two from each
12 political party, shall be appointed by the speaker of the house of representatives;

13 (2) Four members of the Missouri senate, two from each political party, shall
14 be appointed by the president pro tem of the senate; and

15 (3) Seven members shall be appointed by the governor, selected from a panel
16 of names submitted by the director of the department of economic development,
17 which panel shall include the names of individuals representing business, labor,
18 education, agriculture, economics, law and government.

19 3. The task force shall meet at least quarterly, and shall submit its
20 recommendations and plan of action for establishing opportunities for trade and
21 investment to the governor, to the general assembly and to the director of the
22 department of economic development each year by July first, beginning in 1998.

23 4. Members of the task force shall receive no additional compensation but
24 shall be eligible for reimbursement for expenses directly related to the performance
25 of task force duties.

26 5. The provisions of this section shall expire December 31, 2001.]

27
28 EXPLANATION: This section expires December 31, 2001.

[640.169. Sections 640.170 to 640.218 shall terminate July 1, 1996. Moneys
2 in the local government energy conservation loan fund and the industrial commercial
3 energy conservation loan fund shall be transferred to the energy set-aside energy fund
4 and the local government energy conservation loan fund and the industrial
5 commercial energy conservation loan fund shall be abolished.]

6
7 EXPLANATION: This section becomes obsolete when sections 640.170 to 640.218 are
8 repealed.

[640.170. As used in sections 640.170 to 640.185, the following terms mean:

- 2 (1) "Application cycle", the period of time each year, as determined by the
3 department, that the department shall accept and receive applications from local
4 governments seeking loans under the provisions of sections 640.170 to 640.185;
- 5 (2) "Building", any structure owned and operated by a local government that
6 includes a heating or cooling system, or both;
- 7 (3) "Department", the department of natural resources;
- 8 (4) "Energy conservation loan account", an account to be established on the
9 books of a local government for purposes of tracking information related to the
10 receipt or expenditure of loan funds, and to be used to receive and remit energy cost
11 savings for purposes of making semiannual payments to retire the loan;
- 12 (5) "Energy conservation project" or "project", the design, acquisition and
13 installation of one or more energy conserving devices, measures or modifications to
14 a building or facility to reduce energy consumption or to allow for the use of
15 alternative or energy resources;
- 16 (6) "Energy cost savings" or "savings", the value, in terms of dollars, that has
17 or shall accrue from energy savings due to implementation of an energy conservation
18 project;
- 19 (7) "Estimated simple payback", the estimated cost of a project divided by
20 the estimated energy cost savings, usually expressed in terms of months or years;
- 21 (8) "Facility", any major energy using system owned and operated by a local
22 government, whether or not housed in a building;
- 23 (9) "Fund", the local government energy conservation loan fund established
24 in section 640.180;
- 25 (10) "Loan agreement", a document signed and agreed to by the governing
26 body of the local government and the department that details all terms and
27 requirements under which the loan was issued, and describes the terms under which
28 the loan repayment shall be made;
- 29 (11) "Local government", any city, county or village, or any subdistrict of a
30 zoological park and museum district as such subdistricts are defined in section
31 184.352, RSMo;
- 32 (12) "Payback score", a numeric value derived from the review of an
33 application, calculated as prescribed by the department, which is used solely for
34 purposes of ranking applications for the selection of loan recipients from within the
35 balance of loan funds available;
- 36 (13) "Project cost", all costs determined by the department to be directly
37 related to the implementation of an energy conservation project;
- 38 (14) "Repayment period", unless otherwise negotiated as required under
39 section 640.177, the period in years required to repay a loan as determined by the
40 projects' estimated simple payback and rounded to the next year in cases where the
41 estimated simple payback is in a fraction of a year;
- 42 (15) "Technical assistance report", a specialized engineering report that
43 identifies and specifies the quantity of energy savings and related energy cost savings

44 that are likely to result from the implementation of one or more energy conservation
45 measures;

46 (16) "Unobligated balance", that amount in the fund that has not been
47 dedicated to any local government at the end of each state fiscal year.]

48

49 EXPLANATION: This section expired July 1, 1996.

2 [640.172. 1. At the direction of its governing body, a local government may
3 submit an application for loan funds to the department of natural resources for the
4 purpose of financing all or a portion of the costs incurred in implementing an energy
5 conservation project in a local government owned and operated building or facility.
6 The application shall be accompanied by a technical assistance report that shall be
7 in such form and contain such information as prescribed by the department. This
8 section shall not preclude any local government from joining in a cooperative project
9 with any other local governments or with any state or federal agency or entity in an
10 energy conservation project, providing all other requirements of sections 640.170 to
11 640.185 are met.

12 2. All applications shall be assigned a payback score derived from the
13 application review performed by the department. Applications shall be selected for
14 loans beginning with the lowest payback score and continuing in ascending numeric
15 order to the highest payback score until all available loan funds have been obligated
16 within any given application cycle. In no case shall a loan be made to finance an
17 energy project with a payback score of less than six months or more than eight years.
18 Applications may be approved for loans only in those instances where the local
19 government has furnished the department information satisfactory to assure that the
20 project cost will be recovered through energy cost savings during the repayment
21 period of the loan. In no case shall a loan be made to a local government unless a
22 majority of the members of the governing body vote to approve the loan agreement.]

23 EXPLANATION: This section expired July 1, 1996.

2 [640.175. Annually, at the conclusion of each state fiscal year, each local
3 government which has received a loan pursuant to the provisions of sections 640.170
4 to 640.185 shall compute the actual energy cost savings resulting from the
5 implementation of the energy conservation project financed by the loan. Energy cost
6 savings shall be calculated in the manner prescribed by the department and reported
7 to the department during the period of the loan.]

8

8 EXPLANATION: This section expired July 1, 1996.

2 [640.177. 1. Each local government to which a loan has been made under
3 sections 640.170 to 640.185 shall repay such loan, with interest, in semiannual
4 payments. The rate of interest shall be the rate required by the department of natural

4 resources. The number, amounts and timing of the semiannual payments shall be as
5 determined by the department.

6 2. Any local government which receives a loan through the provisions of
7 sections 640.170 to 640.185 shall annually budget an amount which is at least
8 sufficient to make the semiannual payments required under this section.

9 3. The local government shall not raise the funds needed to make the
10 semiannual loan payment by the levy of additional taxes. The semiannual loan
11 payments shall be derived solely from energy cost savings resulting from the
12 implementation of the project. In the event that energy cost savings resulting from
13 the project fail to equal or exceed the amount of the semiannual payment, the local
14 government and the department shall renegotiate the repayment period in such a
15 manner as to assure that the semiannual payment amount does not exceed the actual
16 energy cost savings resulting from the project.

17 4. If a local government fails to remit a semiannual payment to the
18 department in accordance with this section within sixty days of the due date of such
19 payment, the department of natural resources shall notify the director of the
20 department of revenue to deduct such payment amount from the next regular
21 apportionment of local sales tax distributions to that jurisdiction. Such amount shall
22 then immediately be deposited in the fund.

23 5. All local governments having received loans pursuant to sections 640.170
24 to 640.185 shall remit the semiannual payments required by subsection 1 of this
25 section to the department. The department shall immediately deposit such payments
26 in the local government energy conservation loan fund.]

27

28 EXPLANATION: This section expired July 1, 1996.

2 [640.179. 1. A local government receiving a loan under the provisions of
3 sections 640.170 to 640.185 shall establish on its books an energy conservation loan
4 account which it shall maintain until such time as the loan obligation has been repaid.
5 Information sufficient to indicate the receipt and expenditure of all funds authorized
6 and allowed under the terms of the loan shall be entered in this account.

7 2. The local government shall maintain all internal records directly related
8 to the loan and the project in such a way as to provide for proper auditing of the
9 project.]

9

10 EXPLANATION: This section expired July 1, 1996.

2 [640.180. 1. The state treasurer shall establish, maintain, and administer a
3 special trust fund to be administered by the department and to be known as the "Local
4 Government Energy Conservation Loan Fund", which is hereby established. When
5 appropriated by the general assembly, moneys from the fund shall be used to provide
6 local governments with loans for the purpose of implementing energy conservation
projects under the provisions of sections 640.170 to 640.185.

7 2. It is the intent of sections 640.170 to 640.185 to use oil overcharge moneys
8 as the primary funding source for its implementation. Upon appropriation by the
9 general assembly, that amount shall be deposited into the fund from the petroleum
10 violation escrow fund. In addition, the department is authorized to receive and credit
11 to the fund any federal funds, gifts, bequests, donations or any other moneys so
12 designated, including general revenue appropriations. All money received pursuant
13 to section 640.177, and all interest earned on and income generated from such
14 moneys shall immediately be paid to and deposited in the local government energy
15 conservation loan fund.

16 3. The full balance, or any portion thereof, of the fund shall be available to
17 be issued and reissued for loans as authorized by sections 640.170 to 640.185.
18 Following appropriation by the general assembly, the department may expend interest
19 earned on the local government energy conservation loan fund, for the administration
20 of the local government loan program contained in sections 640.170 to 640.185.

21 4. The commissioner of administration shall disburse such moneys at such
22 times from the fund as are authorized by the department pursuant to section 640.172.

23 5. Except as otherwise provided in sections 640.170 to 640.185, the
24 provisions of section 33.080, RSMo, requiring the transfer of unexpended funds to
25 the general revenue fund of the state shall not apply to funds in the local government
26 energy conservation loan fund.]

27

28 EXPLANATION: This section expired July 1, 1996.

2 [640.182. 1. A loan made pursuant to sections 640.170 to 640.185 shall be
3 used only for the purposes specified in an approved application. In the event the
4 department determines that a loan has been expended for purposes other than those
5 specified in an approved application, it shall immediately request the return of the
6 full amount of the loan. If a local government fails to remit repayment to the
7 department within sixty days of notification, collection shall be made through the
8 provisions outlined in subsection 4 of section 640.177.

9 2. The department may, at its discretion, audit the expenditure of any loan
10 made pursuant to sections 640.170 to 640.185 or the computation of any payment
11 made pursuant to section 640.177.

12 3. The department shall promulgate such rules and regulations as are
13 necessary for the administration of sections 640.170 to 640.185. No rule or portion
14 of a rule promulgated under the authority of sections 640.170 to 640.185 shall
15 become effective unless it has been promulgated pursuant to the provisions of section
16 536.024, RSMo.]

17

EXPLANATION: This section expired July 1, 1996.

2 [640.185. 1. All moneys from sources other than state appropriations which
are specified to be used for purposes identified under the provisions of sections

3 640.170 to 640.185 shall be handled in the same manner as moneys received through
 4 state appropriations unless otherwise required in agreements or regulations with the
 5 sources from which such moneys are obtained. The director of the department of
 6 natural resources shall certify that the use of all such moneys and any required
 7 agreements or regulations are consistent with sections 640.170 to 640.185, and all
 8 other state and federal laws governing such moneys, agreements and regulations.

9 2. Loan-making authority under sections 640.170 to 640.185 shall cease as
 10 of January 1, 1998.

11 3. All moneys remaining in the fund plus accrued interest and the proceeds
 12 from repayments of outstanding loans shall be disbursed in a manner consistent with
 13 the rules, regulations, statutes or federal court orders governing the original source
 14 of the moneys.

15 4. All authorizations under sections 640.170 to 640.185 shall expire on
 16 January 1, 2006.]

17
 18 EXPLANATION: This section expired July 1, 1996.

2 [640.195. 1. It is the intention of the general assembly that sections 640.195
 3 to 640.218 are to be implemented so that loan funds are provided to small businesses
 4 in order for such small businesses to implement energy conservation projects and
 5 reduce their overall energy costs and consumption.

6 2. As used in sections 640.195 to 640.218, the following terms mean:

7 (1) "Applications cycle", the period of time each year, as determined by the
 8 department, that the department shall accept and receive applications seeking loans
 9 under the provisions of sections 640.195 to 640.218;

10 (2) "Authority", the environmental improvement and energy resources
 11 authority;

12 (3) "Building", any occupied structure that is owned and operated by an
 13 applicant business and which includes a heating or cooling system, or both;

14 (4) "Department", the department of natural resources;

15 (5) "Energy conservation project" or "project", the design, acquisition and
 16 installation of one or more energy conserving devices, measures or modifications to
 17 a building or facility to reduce energy consumption, to increase energy efficiency or
 18 to allow for the use of alternative energy resources;

19 (6) "Energy cost savings" or "savings", the value in terms of dollars that has
 20 or shall accrue from energy savings due to implementation of an energy conservation
 21 project;

22 (7) "Estimated simple payback", the estimated cost of a project divided by
 23 the estimated energy cost savings;

24 (8) "Facility", any major energy-using system owned and operated by an
 25 applicant business, whether or not housed in a building;

26 (9) "Fund", the industrial/commercial energy conservation loan fund
 established in section 640.207;

27 (10) "Loan agreement", a document signed and agreed to by authorized
28 officials or principals in the applicant business and the department that details all
29 terms and requirements under which the loan was issued and describes the terms
30 under which the loan repayment shall be made;

31 (11) "Payback score", a numeric value derived from the review of an
32 application, calculated as prescribed by the department, which is used solely for
33 purposes of ranking applications for the selection of loan recipients within the
34 balance of loan funds available;

35 (12) "Project cost", all costs determined by the department to be directly
36 related to the implementation of an energy conservation project;

37 (13) "Repayment period", unless otherwise renegotiated as required under
38 section 640.203, the period in years required to repay a loan as determined by the
39 project's estimated simple payback and rounded to the next year in cases where the
40 estimated simple payback is in a fraction of a year;

41 (14) "Technical assistance report", a specialized engineering report that
42 identifies and specifies the quantity of energy savings and related energy cost savings
43 that are likely to result from the implementation of one or more energy conservation
44 measures;

45 (15) "Unobligated balance", that amount in the fund that has not been
46 dedicated to energy conservation projects at the end of each state fiscal year.]

47

48 EXPLANATION: This section expired July 1, 1996.

2 [640.200. 1. An application for loan funds may be submitted to the
3 department for the purpose of financing all or a portion of the costs incurred in
4 implementing an energy conservation project in a facility owned and operated by the
5 applicant. The application shall be accompanied by a technical assistance report. If
6 the applicant pays more than ten percent of the loan for the technical assistance
7 report, the loan shall be denied. The application and the technical assistance report
8 shall be in such form and contain such information as prescribed by the department.

9 2. All applications shall be assigned a payback score derived from the
10 application review performed by the department. Applications shall be selected for
11 loans beginning with the lowest payback score until all available loan funds have
12 been obligated within any given application cycle. In no case shall a loan be made
13 to finance an energy project with a payback score of less than six months or more
14 than five years. Applications may be approved for loans only in those instances
15 where the applicant has furnished the department information satisfactory to assure
16 that the project cost will be recovered through energy cost savings during the
17 repayment period of the loan.

18 3. All applications for loans or permits shall be approved or disapproved
19 within ninety days or stand approved as submitted.

20 4. The department shall not issue a loan for more than one hundred fifty
thousand dollars for any one energy conservation project.]

21

22 EXPLANATION: This section expired July 1, 1996.

[640.203. 1. Each applicant to which a loan has been made under sections 640.195 to 640.218 shall repay such loan with interest in semiannual payments. The rate of interest shall be the rate required by the funding source. The amount and timing of the semiannual payments shall be as determined by the department.

2. In the event that energy cost savings resulting from the project fail to equal or exceed the amount of the semiannual payment, the applicant and the department shall renegotiate the repayment period in such a manner as to assure that the semiannual payment amount does not exceed the actual energy cost savings resulting from the project.

3. All businesses which have received loans pursuant to sections 640.195 to 640.218 shall remit the semiannual payments required by subsection 1 of this section to the department. The department shall immediately deposit such payments in the industrial/commercial energy conservation loan fund.]

15 EXPLANATION: This section expired July 1, 1996.

[640.205. 1. A business receiving a loan under the provisions of sections 640.195 to 640.218 shall establish on its books an energy conservation loan account which the business shall maintain until such time as the loan obligation has been repaid. Information sufficient to indicate the receipt and expenditure of all funds authorized and allowed under the terms of the loan shall be entered in this account.

2. The business shall maintain all internal records directly related to the loan and the project in such a way as to provide for proper auditing of the project.]

9 EXPLANATION: This section expired July 1, 1996.

[640.207. 1. The state treasurer shall establish and maintain a special trust fund to be administered by the department and to be known as the "Industrial/Commercial Energy Conservation Loan Fund", from which Missouri industrial and commercial businesses may seek and obtain loans for the purpose of implementing energy conservation projects under the provisions of sections 640.195 to 640.218.

2. All moneys duly authorized and appropriated by the general assembly, all moneys received from federal funds, gifts, bequests, donations or any other moneys so designated, all moneys received pursuant to section 640.203, and all interest earned on and income generated from moneys in the fund shall immediately be paid to and deposited in the industrial/commercial energy conservation loan fund.

3. Moneys in the fund including moneys from repayments of loans by business recipients, as specified in section 640.203, shall be available to be reissued for loans as authorized in sections 640.195 to 640.218. After appropriation by the

15 general assembly, the department may expend the interest earned on the
16 industrial/commercial energy conservation loan fund for the administration of
17 sections 640.195 to 640.218.

18 4. The commissioner of administration shall disburse such moneys from the
19 fund at such times as are authorized by the department.

20 5. Except as otherwise provided in sections 640.195 to 640.218, the
21 provisions of section 33.080, RSMo, requiring the transfer of unexpended funds to
22 the ordinary revenue funds of the state shall not apply to funds in the
23 industrial/commercial energy conservation loan fund.]
24

25 EXPLANATION: This section expired July 1, 1996.

2 [640.210. 1. A loan made pursuant to sections 640.195 to 640.218 shall be
3 used only for the purposes specified in an approved application. In the event the
4 department determines that a loan has been expended for purposes other than those
5 specified in an approved application, it shall immediately request the return of the
6 full amount of the loan. If an applicant fails to remit repayment to the department
7 within sixty days of notification, the director of the department shall request the
8 attorney general to file suit in a court of competent jurisdiction to recover repayment
9 plus interest accrued from the date of the department's initial request for repayment.

10 2. The department may, at its discretion, audit the expenditure of any loan
11 made pursuant to sections 640.195 to 640.218 or the computation of any payment
12 made pursuant to section 640.203.]

13 EXPLANATION: This section expired July 1, 1996.

2 [640.212. Under the provisions of sections 640.195 to 640.218, the
3 department shall establish such procedures, policies and qualifications as may be
4 necessary for the administration of sections 640.195 to 640.218.]

5 EXPLANATION: This section expired July 1, 1996.

2 [640.215. 1. All moneys from sources other than state appropriations which
3 are specified to be used for purposes identified under the provisions of sections
4 640.195 to 640.218 shall be handled in the same manner as moneys received through
5 state appropriations unless otherwise required in agreements or regulations with the
6 sources from which such moneys are obtained. The department director shall certify
7 that the use of all such moneys and any required agreements or regulations are
8 consistent with the intent of sections 640.195 to 640.218 and all other state and
9 federal laws governing such moneys, agreements and regulations.

10 2. The division of energy of the department of natural resources shall
11 annually report to the appropriate standing committees of jurisdiction within the
general assembly regarding the effectiveness of the industrial/commercial energy

12 conservation loan program, the total number of participants and dollars committed,
13 energy savings realized, and projected future participation.]

14

15 EXPLANATION: This section expired July 1, 1996.

2 [640.218. 1. The department may act jointly with the authority to make loans
3 to Missouri industrial and commercial businesses out of the proceeds of revenue
4 bonds issued by the authority, which loans shall be for energy conservation and
5 improvements, energy efficiency and alternative energy resources.

6 2. Revenue bonds issued by the authority, the proceeds of which are to be
7 lent pursuant to this section, shall be issued and administered in accordance with the
8 terms and conditions established in sections 260.005 to 260.125, RSMo, after
9 approval by the general assembly.]

10 EXPLANATION: This section expired July 1, 1996.

Section B. Section A of this act shall become effective December 31, 2001.